

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of A.K., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KYNA KING,

Respondent-Appellant,

and

JOHN DOE,

Respondent.

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UNPUBLISHED

April 15, 2003

No. 243172

Berrien Circuit Court

Family Division

LC No. 2001-000010-NA

Before: Jansen, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not err in finding that the statutory grounds for termination had been established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent-appellant failed to rectify the condition leading to adjudication, namely substance abuse, and was unlikely to do so within a reasonable time. Respondent-appellant had struggled with cocaine use for several years and had been involved in protective services proceedings for five years due to her addiction. During that time, three of her four children had been born cocaine-positive. Three of her children had been placed under guardianship because of the harm in which she placed them due to her addiction. She recovered for a short period of time during this proceeding and then relapsed. Although respondent-appellant, to her credit, was attempting recovery again at the time of the termination hearing, the trial court did not err in finding, based on her long history of addiction and failure to cease her cocaine use for five years, that this statutory ground had been established.

Additionally, the trial court did not err in finding that respondent-appellant failed to provide proper care and custody of AK, and that there was no reasonable expectation that she would be able to do so within a reasonable time. Respondent-appellant exposed AK to cocaine in utero, disappeared with her and returned her dirty and unkempt during the short time AK was in her care, and visited her only four times in the months that visitation was expected. Respondent-appellant had been unable to end her cocaine addiction and would not be able to provide proper care and custody until she did so. Having been given five years to cease her drug use and failing to do so for any significant length of time, it was unlikely that respondent-appellant would be able to become drug-free within a reasonable time.

Finally, the trial court did not err in finding that AK would likely be harmed if returned to respondent-appellant. Respondent-appellant had consistently placed her own needs and addiction before her children's welfare. She had been unable to end her cocaine dependency, and until she did, AK would be in danger in her care.

Affirmed.

/s/ Kathleen Jansen  
/s/ Kirsten Frank Kelly  
/s/ Karen M. Fort Hood